

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

October 23, 2018

David J. Bradley, Clerk

ADAMS EMS, INC.,

Plaintiff,

VS.

ALEX M. AZAR II, SECRETARY,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Defendant.

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CIVIL ACTION NO. H-18-1443

PRELIMINARY INJUNCTION

The following relief is ordered against the defendant, Alex M. Azar, II, Secretary of the United States Department of Health and Human Services, and his officers, agents, servants, employees, and attorneys. FED. R. CIV. P. 65(d)(2). The temporary restraining order covers and is binding on those “who are in active concert or participation” with the parties or the parties’ officers, agents, servants, employees, or attorneys. *Id.* This order takes effect today, **October 23, 2018**.

- (1) The Secretary is enjoined from withholding or offsetting payments and receivables to, or otherwise collecting from, Adams EMS, Inc. to recoup the alleged overpayments in the claim pending an administrative-law-judge hearing.
- (2) The Secretary is not enjoined from withholding Medicare payments for intervening alleged overpayment claims.
- (3) The court waives the bond requirement for Adams. FED. R. CIV. P. 65(c). *See A.T.N. Indus., Inc. v. Gross*, 632 F. App’x 185, 191–92 (5th Cir. 2015).
- (4) This Order expires on entry of final judgment in this case, unless the court orders otherwise. Any party may seek modification of this Order by written motion served on all parties and counsel and on a showing of good cause.

SIGNED on October 23, 2018, at Houston, Texas.



Lee H. Rosenthal

Chief United States District Judge